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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,136	05/15/2007	Young Su Lee	1594.1586	9131

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Staas & Halsey
7th Floor
1201 New York Avenue N W
Washington, DC 20005

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1711

MAIL DATE	DELIVERY MODE
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10/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,136	Applicant(s) LEE, YOUNG SU	
	Examiner Joseph L. Perrin	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 August 2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 1, the newly added language of a "fixed baffle" is considered new matter. The original disclosure as filed is textually silent with respect to the newly introduced language. While Figure 3 (relied upon for support by Applicant) shows a U-shaped structure having an opening toward the silver members

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and having a height similar to or lower than the height of the silver members, the Figure does not fully support the broadened scope of the claimed “fixed baffle”. It appears Applicant is solely relying on the Figures for support. Thus, since the original disclosure as filed is wholly silent with respect to said “baffle” language and support can only be found in the Figure, Applicant should amend the claim within the scope of the Figures (i.e. avoid broadening of scope which is impermissible and constitutes new matter). To avoid this issue, Applicant is urged to avoid adding questionable new language that is not clearly supported and rely on language from the original disclosure as filed. While the structure shown in Figure 3 appears to clearly distinguish over the prior art structure, the claims do not recite sufficient structure or structural configuration to overcome the prior art rejections of record. Simply stated, a picture claim of Figure 3 using the clearly supported language from the original disclosure as filed would appear to address the new matter issue and prior art rejection. Applicant is invited to contact the Examiner for an interview to discuss changes to the claims to satisfy the new matter rejection and overcome the prior art rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR ‘368. Regarding claims 1-2, KR ‘368 discloses a washing machine with tub (11/12) combined with a silver solution supplying device (30) in the water supply line, the silver

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solution supplying device comprising a housing with an inlet (36) and outlet (39), a water feed unit (22) for connecting the inlet of the housing and the water supply unit of the washing machine, two silver members (33/34) installed in the housing, and a U-shaped current speed reduction member (note the U-shaped gap formed by the valve (40) as well as the U-shaped formation of the valve housing (40) which redirects the water flow out of parallel which would reduce the current speed). See Figs. 1-3 and relative associated text. Regarding claim 3, the current speed reduction member has a predetermined height which performs the intended use of retaining water flowing from the inlet near the silver members for a designated time and then allowing water to flow towards the outlet. Regarding claim 4, the housing has an opening through which the silver members are installed. Regarding claims 1 and 5, KR '368 discloses the claimed washing machine including a detergent supply device arranged in series with the silver solution supplying device for supplying detergent and silver solution directly to the washing machine tub but does not expressly disclose the detergent supply device and silver solution supplying device in parallel as claimed. However, the rearrangement of the devices from series, as disclosed in KR '368 to parallel, as claimed, would appear to produce the same predictable result of supplying detergent and silver solution to the tub for laundry treatment. Thus, since nothing unpredictable or unexpected appears to exist, such rearrangement is considered *prima facie* obvious. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Response to Arguments

6. Applicant's arguments filed 11 August 2010 have been fully considered but they are not persuasive.

7. On page 4 of the instant response, Applicant argues the newly introduced "fixed baffle" language is not disclosed in Kim. The Examiner disagrees and submits that the valve structure, as well as the valve housing which is "U-shaped" with respect to the water flow reads on such structure. Manifestly, the structure associated with the valve (including the housing) serves to impede water flow thereby reducing current speed.

Therefore, the invention as claimed reads on the disclosure of Kim. Applicant is reminded that the law does not require that the reference teach what Applicant is claiming, but only that the claims "read on" something disclosed in the reference.

Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984) (and overruled in part on another issue), *SRI Intel v. Matsushita Elec. Corp. Of Am.*, 775 F.2d 1107, 1118, 227 USPQ 577, 583 (Fed. Cir. 1985). Also, a reference anticipates a claim if it discloses the claimed invention such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention. See *In re Graves*, 69 F.3d 1147, 1152, 36 USPQ2d 1697, 1701 (Fed. Cir. 1995), cert. denied, 116 S.Ct. 1362 (1996), quoting from *In re LeGrice*, 301 F.2d 929, 936, 133 USPQ 365, 372 (CCPA 1962).

8. On page 5 of the instant response, Applicant further argues that "claim 1 **only** relies on a current speed reduction member in the form of a fixed baffle – instead of a

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moving solenoid discharge valve 40 as in Kim – to slow the flow water through the housing”. This is unconvincing for at least reasons of same indicated above and described in the amended rejection. Moreover, Applicant’s argument that claim 1 “**only**” relies on the fixed baffle is unconvincing because claim 1 recites “comprising” language which makes the claim open-ended and not limited in such a manner as purported by Applicant. The use of the term "comprising" to introduce the claimed structure means that the device covered by these claims may involve many more elements than those positively recited. *Ex parte Gottzein et al.*, 168 USPQ 176 (PTO Bd. App. 1969).

9. While Applicant's Figure 3 and the cited prior art of record are clearly distinguishable, the invention as claimed does not clearly patentably distinguish over Kim. Applicant is urged to amend the claims with structure and structural configuration consistent with Figure 3 (i.e. avoid broadened language potentially readable on the prior art and claim the disclosed structure and configuration). Such an amendment would appear to overcome the prior art rejection over Kim.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/
Joseph L. Perrin, Ph.D.
Primary Examiner
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JLP